

REMARKS/ARGUMENTS

Currently in the case, after amendment, claims 1, 2, 4, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17 & 18 are pending and rejected. Claims 3, 5, 11, 12, 17, & 18 have been canceled. The remaining claims are believed to be allowable and the amendments to the claims are believed to be such as to remove any double patenting objections, as is explained and set forth below.

This Amendment responds to the aforementioned Office Action, wherein the claims as originally presented were rejected under Title 35 of United States Code, §§112, & 103. The Examiner's remarks have been carefully considered and, in view of the cited art, the claims which have amended to more particularly point out the distinctly claimed what Applicants regard as the subject matter of this present invention, it is sincerely believed that the claims which remain in the instant case patentably distinguish over all the prior art references. It is respectfully requested that this Application be re-examined in view of the following remarks, that the rejections be withdrawn, and that allowable subject matter be identified.

The points raised by the Examiner in the written office action will be responded to in the order they were discussed by the Examiner in the Office Action.

Under the section headed "Specification", the objection to the specification is noted and a replacement specification (not including claims and abstract) is provided (1) as a marked up version and (2) as a clean copy. The term phathalocyanine is believed to be a mis-spelling of phthalocyanine and a correction has been made. The changes are not believed to introduce new matter and are believed to enable the specification to read more smoothly. Attorney for Applicant requests acceptance of the substitute specification.

In paragraphs 2-3, the Examiner rejected claims 1 - 18 under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,020,053 to Suda in view of U.S. Patent No. 5,979,323 to Hirano.

U.S. Patent No. 6,020,053 to Suda, entitled "PRINTING SHEET FOR INK STAMP" discloses the use of carbon grains to capture electromagnetic radiation to create heat.

U.S. Patent No. 5,979,323 to Hirano, entitled "METHOD OF PRODUCING AN IMPREGNATION STAMP AND AN IMPREGNATION STAMP PRODUCED THEREBY" discloses a filling frame in which enables the filling of ink from an area segregated from other areas.

Regarding to U.S. Patent No. 5,979,323, the examiner described as "Hirano teaches a stamp, 3, having a porous body, see column 3, lines 26-27, volumetrically combined with a phthalocyanine pigment. See column 6, lines 1-5.". However, based on the description in column 5,

lines 53-54 "The colorant of ink used in the present invention may be of either pigment or dye.", it is clear that phthalocyanine is not mixed in a porous body, and it is used as a color material of ink.

In the reference described in the U.S. Patent No. 5,979,323, ink is filled in the stamp piece 3 which has continuous porous structure. However, in the U.S. Patent No. 5,979,323, a pathalocyanine pigment is mixed in the ink, and it is run out from the stamp piece 3 by using the stamp.

On the other hand, in the present invention, the pthalocyanine pigment is mixed in a porous body, and it does not run out by using the stamp. Further, in the U.S. Patent No. 5,979,323, since the pthalocyanine pigment is mixed in the ink, it is clear that the pthalocyanine pigment does not work as a heating material, hence there is no description in the U.S. Patent No. 5,979,323 that phthalocyanine pigment works as a heating material.

In the present invention, by containing the phthalocyanine pigment in the heating material, following effects can be obtained:

I) It is outstanding in reproducibility of small letters, designs, patterns and dots than using black particle of carbonic particles;

II) Different colors appear at a heated part and non-heated

part, so it is possible to readily check the result of stamp by comparing the ink inexuding parts formed on the stamp surface and the desired letters, designs, patterns and such;

III) Further, in producing stamps, it is possible to easily check the progression of how much the ink inexuding parts are formed.

As explained above, in the U.S. Patent No. 5,979,323, mixing of the phthalocyanine pigment into the porous body is not described. Further, the present invention has above-mentioned excellent effects. Therefore, the present invention has an inventive step, and is not obvious.

Other, dependent claims create further limitations on the independent claims remaining.

Therefore, the claims remaining in the case are believed to be in condition for allowance and such is earnestly solicited.

In numbered paragraph 4, the Examiner rejected the claims with respect to nonstatutory double patenting. Due to the inclusion of additional limitations into the independent claims, all the claims remaining in the case contain additional non-obvious, new, and completely different limitations so as to take the claims from the ambit of the rejection. This good faith belief in the propriety of the withdrawal of the double patenting

rejection is based upon the changes to the independent claims, and not for purposes of delay. If the Examiner still believes that the claims as amended warrant a double patenting rejection, Applicant stands ready and able to provide a terminal disclaimer. This is especially since the double patenting rejection was made with respect to claims 1 & 2.

Under the section headed "Conclusion", Attorney for Applicant notes the cited references and believes that none of these are closer to the claimed invention than the cited references which were applied against the claims.

Attorney for applicant notes the lack of any indication of acceptability of the formal drawing sheets as filed. Attorney for Applicant assumes that the drawings are currently in an acceptable formal condition for acceptance as formal drawings to be published with the case.

The rejections under §§112, & 103 having been explained, met and overcome, claims 1, 2, 4, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17 & 18 are currently believed to be in condition for allowance, and an indication of such is respectfully solicited.

Applicant requests reconsideration and ultimate allowability of all aspects of the case, including all of claims 1, 2, 4, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17 & 18.

The Examiner is invited to telephone Applicant's Attorney at the number below between the hours of 1:00 p.m. and 6:00 p.m. Eastern Standard Time, if such will advance this case.

Dated: July 22, 2004

Respectfully submitted:



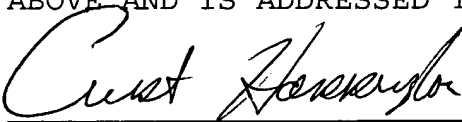
Tel. (562) 594-9784
Fax. (562) 594-4414
Docket: KIYO-30cip

Curt Harrington
Registration Number 31,456
Suite 250
6300 State University Drive
Long Beach, CA 90815

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 329 193 402 US

DATE OF DEPOSIT: **July 22, 2004**

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO:



COMMISSIONER FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450
Curtis L. Harrington, Reg. No. 31,456